



STATE BOARD OF OPTOMETRY NEWSLETTER

Vol. 11 No. 1
March 2002

LETTER FROM THE PRESIDENT

I would like to take this opportunity to share information on the activities of the Optometry Board in recent months.

In July, the Board elected new officers. I have the privilege of serving as President of the Board for this next year. Dr. Karen Rosen from St. Louis is serving as the Board's Vice President and Dr. Cathy Frier from Eldorado Springs is serving as Secretary of the Board. I want to thank Dr. Harold L. Poynter from Maryville for all the work he did during his term as President of the Board.

Although the Board just completed another renewal cycle, we only recently finished the work from the last continuing education audit that began last January. A total of 307 audit letters went out to licensees from the Board on January 17, 2001, that asked for continuing education documentation for the reporting period that began on September 1, 1999 and ended on August 31, 2000. Certified letters were sent out in July when approximately twelve licensees did not respond to the first audit request. Only three remain unresolved. These are licensees that have moved and have not notified the Board of a current mailing address. If these licensees return to Missouri to seek licensure, they must be prepared to not only produce their continuing education documentation for the 1999 - 2000 audit period, they may also need to face the Board with a possible violation of Board Rule 4 CSR 210-2.030 (1).

Three licensees are facing disciplinary action for reporting continuing education hours that cannot be documented. Another audit has been conducted for the continuing education reporting period that began on September 1, 2000 and ended on August 31, 2001. The Board cannot stress enough the importance of maintaining continuing education documentation in accordance with the Board's



Max T. Aldrich, O.D.

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rule. Also, it is extremely important to be totally honest when answering the continuing education question on the renewal application. One question that the Board hears fairly consistently is, "What happens if I don't have my continuing education hours by the end of the continuing education reporting period?" If a licensee has not earned the continuing education hours by the date the hours are due (August 31st), it is much easier in the Board's estimation to pay the \$50 continuing education penalty fee and earn the hours before the end of the year than it is to face possible disciplinary action for a violation of the optometry practice act as it relates to continuing education. Discipline is a permanent record and although a licensee can successfully complete periods of suspension and probation, the actual discipline itself is never removed from the licensee's record.

As we begin 2002, optometry faces many challenges. As President of the Board, I encourage all licensees to take an active interest in the work of the State Board and your professional association. If you have any questions regarding the articles in this newsletter, I urge you to contact the Board Office for clarification. I look forward to continuing to serve in the important work that the Board does for the protection of the public and in furthering excellence in quality eye care for all Missouri citizens.

Sincerely,



Max T. Aldrich, O.D.
Board President

Governor

The Honorable Bob Holden

Department of Economic Development

Joseph L. Driskill, Director

Division of Professional Registration

Marilyn Taylor Williams, Director

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MISSOURI
DEPARTMENT OF ECONOMIC DEVELOPMENT

This is an official publication of the Division of Professional Registration. Submit articles to: State Board of Optometry, P.O. Box 1335, Jefferson City, MO 65102.

NEW DIVISION DIRECTOR APPOINTED



Marilyn Taylor Williams

We would like to extend a belated welcome to Marilyn Taylor Williams to the Division of Professional Registration. On January 25, 2001, she was confirmed as the new Director of the Missouri Division of Professional Registration. She replaces Randall Singer, who served as the Division Director since 1993.

Prior to her confirmation, Ms. Williams of Dudley, served in the House of Representatives from 1991 to 2001. She represented District 156, comprised of parts of Stoddard, Wayne and Bollinger counties, from 1991 to 1993 and represented District 159, comprised of parts of Stoddard and Scott counties from 1993 to 2001.

In the General Assembly, Ms. Williams' key committee assignments included chair of the House Agribusiness Committee, vice-chair of Appropriations, Agriculture and Economic Resources, and the House Budget Committee. She was also a member of the Missouri Tourism Commission.

We would like to thank Randall Singer for his dedication and service to the Division.

We wish them both the best.

NEW CONTROLLED SUBSTANCE REGULATIONS & INFORMATION*

New regulations addressing controlled substance issues became effective on November 30, 2000. A copy of these new regulations may be obtained from the Missouri Secretary of State's Office, or viewed online by viewing the Missouri Register. The section to look for is Code of State Regulations, Department 19,

Section 30, Chapter 1. It is abbreviated as 19 CSR 30-1.002 through 19 CSR 30-1.078.

New regulations and amendments were promulgated for several reasons. Regulations addressing controlled substance issues needed to be amended due to changes in state and federal statutes and changes in health policies and technology. Many of the rules were rewritten for clarification of issues and requirements on the part of controlled substance registrants.

MAJOR CHANGES INCLUDE:

19 CSR 30-1.011 Records must be maintained so as to be readily retrievable. "Readily retrievable" is defined as capable of being produced in three working days.

19 CSR 30-1.015 If a registration is postmarked 15 days after a previous registration expires, the applicant must pay a \$10 late fee in addition to the regular registration fee.

19 CSR 30-1.017 Starting on 1/1/2001, the BNDD will begin implementation to convert registrations to a three-year registration cycle, instead of requiring registrants to apply annually. This will be done in stages.

Applicants will be required to submit accurate and complete applications. If an application is received incomplete, the applicant will be notified of the missing information. They will then have 60 days to provide the BNDD with the missing information. If the information is not received within 60 days of the notification, the application becomes void.

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NEW CONTROLLED SUBSTANCE REGULATIONS & INFORMATION*

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19 CSR 30-1.023 A registrant must notify the BNDD of a change of address or name prior to such a change. This information may then be processed and updated without a fee. If notification is not received by the BNDD prior to such a change, the registrant must submit a new application and registration fee.

19 CSR 30-1.026 Separate registrations are not required if an emergency medical service's ambulances rotate between separate locations at least every 30 days.

19 CSR 30-1.034 Registrants must notify the BNDD of any loss, theft or diversion of a controlled substance within 7 days of the discovery of the loss or theft. A new state form has been developed. Federal DEA forms may still be copied to the BNDD (to minimize duplication of effort), but the new state form must be completed and submitted with a copy of the federal form attached. Any reports of investigations completed by the registrant or local law enforcement should also be enclosed.

A provision has been implemented so that insignificant losses may be documented and filed with the registrant's annual inventory. Insignificant losses are specifically defined in the rule.

19 CSR 30-1.044 All controlled substance records must be readily retrievable and capable of being produced within 3 working days.

19 CSR 30-1.048 Practitioners must document all controlled substances prescribed or administered.

Practitioners must ensure that required records are available for inspection by the Department of Health even if they are not the custodians of the records.

19 CSR 30-1.062 Hospice prescriptions may be transmitted by fax.

19 CSR 30-1.064 Prescriptions for Schedule II medications may be partially filled for patients of long term care facilities or hospices.

19 CSR 30-1.066 Individuals who administer or dispense a controlled substance medication per an order from a collaborating practitioner when the practitioner is not present to directly supervise such a function, must:

- Have a collaborative practice agreement with an authorized practitioner;
- Be authorized by statute to do so; and
- Have a current Missouri Controlled Substance Registration.



19 CSR 30-1.070 Practitioners must mail a hard copy to the dispensing pharmacy within 7 days for an emergency prescription of a Schedule II medication. The hard copy must be post-marked within 7 days of calling in the emergency prescription.

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NEW CONTROLLED SUBSTANCE REGULATIONS & INFORMATION*

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19 CSR 30-1.078 Options for disposing of unwanted or outdated controlled substances are listed in this rule.

The BNDD strongly urges registrants to obtain a copy of the new regulations to use as a personal reference and ensure that they are in compliance with the new regulations.

ONGOING CHANGES AND IMPROVEMENTS

- You may now obtain a Missouri Controlled Substances Application by contacting the BNDD and requesting that our agency mail or fax an application form to you or you may download your own copy at www.health.state.mo.us/graphics/580-2322.pdf
- You may verify if a person has a current Missouri Controlled Substances Registration by reviewing our registry database online at www.health.state.mo.us/ResourceMaterial/BNDDLlist.htm
- You may now specify that all forms and certificates be mailed to an address separate from the registered address (primary practice location) if you choose. If you would like to receive your mail at a separate location, please attach or enclose a note with the optional mailing address.
- The appearance of our Controlled Substance Registration Certificates has changed.
- The type of border has changed,
- The font and printing style have changed,
- Drug schedules are now listed as 2,3,4, and 5. Our bureau has stopped using the designations 2N and 3N, and
- New registration numbers are being issued.

WAIVERS REQUIRED TO EMPLOY CERTAIN INDIVIDUALS

If you employ or wish to employ a person who has entered a plea of guilty, no contest, nolo contendere or otherwise been convicted of a criminal controlled substance violation, you must obtain a waiver before granting them access to your controlled substances. If the violation was a misdemeanor, you must obtain a waiver only from the Missouri Bureau of Narcotics and Dangerous Drugs. If their violation was a felony, you must obtain a waiver from both the Missouri BNDD and the Drug Enforcement Administration (DEA).

HOW TO CONTACT OUR BUREAU

Our bureau has ongoing plans to improve the application and registration process. We have implemented a plan of quality assurance and we invite your comments, thoughts and opinions on improving our customer service. You may contact our bureau at:

Bureau of Narcotics and Dangerous Drugs
P.O. Box 570
912 Wildwood Drive
Jefferson City, Missouri 65102-0570
(573) 751-6321 fax (573) 526-2569

**Reprinted by permission from a letter received from the BNDD dated October 19, 2000.*

NEW PROCESS FOR BIENNIAL RENEWAL IN PLACE

It is expected that when renewal applications are mailed this year for the licensing period that begins on November 1, 2002, the renewal period will be for two years instead of one year. Biennial renewal means that the renewal fee paid with this year's renewal application is \$220 for two years instead of the \$110 for one year.

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NEW PROCESS FOR BIENNIAL RENEWAL IN PLACE Continued

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Continuing education requirements do not change with biennial renewal. Section 336.080, RSMo requires that optometrists satisfactorily complete eight (8) hours of approved continuing education each year. Although the continuing education reporting period must change with biennial renewal to the two-year period preceding the license renewal date, eight hours of approved continuing education must be earned in each year. For example, the first biennial renewal is expected to be for the period beginning on November 1, 2002 and ending on October 31, 2004. When licenses are renewed in 2004, licensees should have earned sixteen hours of approved continuing education during the preceding continuing education reporting period (September 1, 2002 through August 31, 2004). In that two year period, eight hours of approved continuing education must be earned in the first year of the continuing education reporting period and eight hours must be earned in the second year of the reporting period.

The only thing that really changes with biennial renewal is that renewal fees are paid every other year instead of yearly. The Board hopes that the Division of Professional Registration will have on-line renewal capability available when licenses are renewed in 2004. Look for news regarding on-line renewals in future editions of this publication.

Some rules will remain constant when renewal changes from yearly to every other year. The Board's rule on license renewal, 4 CSR 210-2.030, requires every licensed optometrist to maintain full and complete records of all approved continuing education credits earned for the two (2) previous reporting periods in addition to the current reporting period. When the rule is amended and the reporting period changes from a one-year period to two years, records of continuing education credits must be maintained for a period of six years. The records must document the titles of the courses taken, dates, locations, course sponsors

and number of hours earned. This rule gives the Board the authority to conduct audits of licensees to verify compliance with the continuing education requirement. Licensees are required to assist the Board in its audit by providing timely and complete responses to the Board's inquiries.

Any violation of the Board's rule is deemed by the Board to constitute misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of an optometrist. In addition, a licensee who has failed to complete and report continuing education credits in a timely fashion and engages in the active practice of optometry without the express written authority of the Board shall be deemed to have engaged in the unauthorized practice of optometry.

The rule requires and the Board strongly encourages and recommends that all licensees maintain appropriate documentation of continuing education. Any violation of the Board's rules is cause for disciplinary action pursuant to Section 336.110.2 (5), (6), and (11), RSMo. Therefore, it is important that licensees verify their continuing education documentation before signing their renewal application. When signing the renewal application, the licensee is representing that all statements made in or attached to the form are under oath or affirmation and are true and correct. It is against the law to mislead a public official in the performance of his official duties and the Board will seek disciplinary action against a licensee who deliberately misrepresents that he/she obtained the necessary continuing education hours.

CONTINUING EDUCATION COURSE APPROVAL

The Missouri State Board of Optometry must approve continuing education courses before a licensee can use the hours from attending a continuing education course for renewal of a license. The Board has tried to make the continuing education approval process easy

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CONTINUING EDUCATION COURSE APPROVAL Continued

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for its licensees and through its rule, 4 CSR 210-2.030 (10), have established programs that are automatically approved.

This means the automatically approved sponsors are not required to receive prior Board approval. Because the Board believes a reminder is in order, educational meetings of the Missouri Optometric Association are among the list of automatically approved sponsors. However, educational programs that are sponsored by any of the nine component societies of the Missouri Optometric Association are not automatically approved. If a component society of the Missouri Optometric Association wishes to sponsor an educational program, that society must complete a continuing education course approval application and submit it to the Board with copies of their program schedule and outline at least sixty (60) days prior to the date of the program. An annual continuing education sponsor fee of \$25 is also required. Otherwise, licensees who attend society meetings that offer continuing education and want to use these hours to qualify for renewal will be unable to do so. However, if the society meeting is co-sponsored by an automatically approved sponsor, the educational program need not receive prior Board approval.

The Association of Regulatory Boards of Optometry, Inc. (ARBO) is a source for optometry continuing education on the web. OptometryCE.org is intended to provide optometrists with access to information about meetings and events that offer continuing education courses. It is free and no registration is required. Included with this newsletter is a flyer from ARBO regarding this service. Inclusion of meeting information on OptometryCE.org does not constitute approval of continuing education credit by the Missouri State Board of Optometry. If there is a question regarding whether or not an educational program

is approved, consult the Board's rule, 4 CSR 210-2.030 (10), or contact the Board office directly.

LAPSED LICENSES

The following list contains the names of optometrists who did not renew their Missouri optometry license for the period of November 1, 2001 through October 31, 2002. The purpose of publishing this list is to alert licensed optometrists of those who may be practicing without a current and valid license. An attempt has been made to notify every person on this list of the status of their license. If there is anyone on this list who is believed to be practicing in Missouri, please notify the office of the State Board of Optometry immediately.

Richard B Appleman
Gretchen D Ariz
Lisa B Chiles
Jimmie L Davis
Vince G Delgadillo
Williams G Drury
Maurice S Eichler
Marisa A Feliciano
Jennifer L Geertz
Michael J Keller
Matthew Klemke
Susan A Liggett
Steven H Linn
Alan J McCormick
Scot B Morris
Steven T Rae
Tammy S Richert
Sheri L Roggy
James E Rudd
Russell D Smith
Ray C Stith
Gregory J Stockbridge
Loree E Wagner
Jennifer L Bodley

Jeffrey D Bowman
Ashley D Branson
Sharon Saum Burruss
Samuel C Chapman
Candy K Charowhas
George T Coble
Tifton C Covington
Daniel P Dodd
Jason P Fronk
Wayne R Gilmore
Michael L Hayes
Thomas S Helfrich
Edward M Kinney
Carrie J Koenig
Leonard E Lasker
Michael D Liebau
Lynn Meyer
Arthur Queen
Marc C Saphian
Lisa Marie Selnekovic
Jennifer M Sortor
Richard K Taylor
Chan L Webster

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NEXT BOARD MEETING

The next meeting of the Missouri State Board of Optometry is scheduled on July 13, 2002. The meeting will be held in Lake Ozarks, Missouri.

For information regarding meeting locations, please feel free to contact the Board's Central Office as it gets closer to the meeting date, or visit our web site. The address is on the inside cover of this newsletter.

